

REMARKS

In the office action, the examiner restricted the claims into the following three groups:

Group I, claims 1-5, 7-24 and 26, drawn to a promoter comprising SEQ ID NO: 1, or a variant, homologue, fragment or derivative thereof, construct, vector, transformed host or host cell, and methods of using the promoter;

Group II, claim 6, drawn to a promoter capable of causing endosperm-specific expression obtainable from a plant of genus *Oryza*; and

Group III, claim 25, drawn to use of a sequence presented as SEQ ID NO: 2 or a variant, homologue, derivative or fragment thereof.

For examination, Applicants provisionally elect Group I, claims 1-5, 7-24 and 26, *with traverse*. Applicants believe that the claims of Group I and the claims of Group II and Group III are sufficiently related to be examined integrally, and that such examination would not place an undue burden on the Examiner. M.P.E.P. § 803 states that, if “the search and examination of an entire application can be made without serious burden, [then] the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

CONCLUSION

Applicants reserve the right to file divisional applications covering the subject matter of the non-elected claims.

Applicants respectfully request examination on the merits of this application. Should there be any questions concerning this application, Examiner Collins is invited to contact the undersigned at the number listed below.

Respectfully submitted,

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Date

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